

REMARKS/ARGUMENTS

I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 2-5, 7, 9, 11, 13, 15, and 20-22 are currently pending. Claims 21 and 22 are hereby added. Claims 16-19, previously withdrawn as constructively directed to a non-elected species, are hereby canceled and are re-presented in a co-pending divisional application. Claims 2 and 4 are independent. Claims 2-5, 7, 9, 11, 13, 15, and 20 are hereby amended. No new matter has been introduced. Support for this amendment is provided throughout the Specification as originally filed.

Changes to the claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

II. COMMENTS

Claim 2 recites, *inter alia*, “the length of said cylindrical belt is shorter than the length of said cord.” That is, in an aspect of the present invention, a cord is passed through a belt-shaped portion to connect a left side driver unit to a right side driver unit. The length of the cylindrical belt is shorter than the length of the cord between the left and right drivers. Therefore, a portion of the cord extends beyond the cylindrical belt and the cord is exposed, that is, uncovered by the belt, between the drivers. Publ. App. par. [0039]. Whereas, in Ito, cited in the previous Office Action mailed September 27, 2007, the tube covers the cord so that the cord is prevented from being exposed between the left and right housings. Ito, col. 9, line 60 to col. 10, line 6 and FIGS. 9, 10.

Claim 2 is believed patentable over Ito because that reference does not disclose each and every element recited in the claim.

The previous Office Action mailed September 27, 2007 also cited Japanese Patent Publication No. JP 09247782 to Yoshio as a reference.

First, Yoshio does not add the elements missing from Ito as discussed herein above.

Second, as understood by Applicants Yoshio describes a headphone that has a headband.

In contrast, claim 2 recites, “Headphones having no headband . . .”

Moreover, although Yoshio shows receivers (2a, 2b) that are connected either by a band (5), an elastic wire (6), or a flexible tube (7), Yoshio fails to teach or suggest the features recited in claim 2 as discussed herein above. Yoshio, Abstract and FIG. 1.

Claim 2 is believed patentable over Yoshio because that reference does not teach or suggest the elements recited in the claim.

Independent claim 4 was previously found to recite patentable subject matter. Applicants note the amendments herein maintain the patentability of claim 4.

III. DEPENDENT CLAIMS

The other claims are dependent from one of the claims discussed above and are therefore believed patentable for at least the same reasons. Because each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

CONCLUSION

Claims 2-5, 7, 9, 11, 13, 15, and 20-22 are in condition for allowance. In the event the Examiner disagrees with any of statements appearing above with respect to the disclosure in the cited reference, or references, it is respectfully requested that the Examiner specifically indicate those portions of the reference, or references, providing the basis for a contrary view.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicants respectfully request early passage to issue of the present application.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP
Attorneys for Applicants



By: _____

Paul A. Levy
Reg. No. 45,748
(212) 588-0800